

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U 338-E) for Approval of Fuel
Hedging Cost Recovery.

Application 02-03-016
(Filed March 13, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTION FOR A PROTECTIVE ORDER AND LEAVE
TO SUBMIT CERTAIN INFORMATION UNDER SEAL**

On March 13, 2002, Southern California Edison Company (SCE) moved for the issuance of a protective order and leave to submit certain fuel-hedging information in its SCE-1 prepared testimony under seal. SCE attached a proposed non-disclosure agreement to its motion as Attachment A. SCE also attached a complete version of its SCE-1 prepared testimony in a sealed envelope to its motion. A redacted version of its SCE-1 prepared testimony was tendered as part of its application. SCE also moved for authority to place additional fuel-hedging documents that may be identified in the course of discovery and this proceeding, including hearing transcripts, and thereafter under seal.

SCE seeks confidential treatment of its fuel-hedging information which includes the volume hedged, price per option, transaction structure, and the competitive quotes it received to protect its hedging strategy and bargaining position in future transactions. SCE represents that this fuel-hedging information is confidential because it contains sensitive information not currently available to the general public and SCE's competitors and, if revealed, would place SCE at an unfair business disadvantage. SCE does not believe that its request would prejudice any party because all parties who wish to obtain the confidential

information may do so by signing a non-disclosure agreement. SCE's motion is unopposed.

SCE has stated grounds, under General Order 66-C and authority there cited, for the requested relief. A public hearing on the motion is not needed. Accordingly, SCE's fuel-hedging information tendered under seal as part of its March 13, 2002 motion should remain sealed. However, its request to place additional unidentified fuel-hedging information under seal is premature and should be denied.

SCE's request for the issuance of a specific non-disclosure agreement is also premature and should be denied. SCE should make all information placed under seal available to interested parties upon the execution of a mutually acceptable non-disclosure agreement. If SCE and interested parties are not able to agree on a non-disclosure agreement, the parties should bring the matter to the attention to the assigned Administrative Law Judge for resolution.

Good cause appearing, **IT IS RULED** that:

1. The motion of Southern California Edison Company (SCE) for leave to submit its SCE-1 prepared testimony tendered concurrently with its application for authority to recover fuel-hedging cost under seal is granted.

2. The motion of SCE to place additional unidentified fuel-hedging information that may be identified in the course of discovery, this proceeding, and thereafter under seal is denied.

3. The SCE-1 prepared testimony submitted as a sealed attachment to SCE's March 13, 2002 motion, shall remain sealed and shall not be made accessible or disclosed to anyone other than Commission staff except on the execution of a mutually acceptable non-disclosure agreement or on further order or ruling of the Commission, the Administrative Law Judge (ALJ), or the assigned Commissioner. If SCE and interested parties are not able to agree on a non-

disclosure agreement, the parties shall bring the matter to the attention to the assigned ALJ for resolution.

Dated April 8, 2002, at San Francisco, California.

/s/ MICHAEL J. GALVIN

Michael J. Galvin
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion for a Protective Order and Leave to Submit Certain Information Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated April 8, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.